

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Murgio	Team: Squad #2	CCRB Case #: 202004333	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 05/30/2020 10:00 PM	Location of Incident: Plaza in front of Atlantic Terminal Mall b/t Fort Greene Place, Atlantic Avenue and Flatbush Avenue	Precinct: 78	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/16/2020 5:23 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 06/16/2020 5:23 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Albert Scott	31544	934162	101 PCT
2. POF Lisa Bonsignore	11534	939930	101 PCT
3. POM Eugene Liddie	22207	950750	101 PCT
4. POM Michael Kenjesky	26036	964085	101 PCT
5. POF Dominique Eveillard	00494	966561	101 PCT
6. POM Anthony Aquilino	11097	956392	101 PCT
7. POM Joseph Demeo	29986	951251	101 PCT
8. POM Michael Berardi	13922	955752	101 PCT
9. SGT Jason Acevedo	03120	949958	101 PCT
10. SGT Joseph Piscatella	05325	941107	063 PCT
11. POM Christophe Ianno	13581	944665	063 PCT
12. POM Justin Reyes	01549	965836	063 PCT
13. POM Jonathan Zwecker	31988	968903	063 PCT
14. POM Christian Casiano	14949	967802	063 PCT
15. POM Joseph Coon	06536	944457	063 PCT
16. POM Anthony Luca	17349	967976	063 PCT
17. POF Cynthia Alonzo	00152	963370	063 PCT
18. POM Zackary Clement	21213	968332	063 PCT
19. SGT Edward Silvester	02780	918332	113 PCT
20. POM Eric Jordan	09041	941973	113 PCT
21. POM George Sprague	11922	966352	113 PCT
22. POM Sean Roberts	21497	962736	113 PCT
23. POM Michael Renzulli	24397	962724	113 PCT
24. POF Tessa Piteo	26046	965418	113 PCT
25. POM John Robert	16757	957922	113 PCT
26. POM Abdulhadi Chalati	10501	956511	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
27. POF Veliya Santos	15548	964921	076 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b)	
B. Officers	Force: Officers struck an individual with batons.	
C. Officers	Force: Officers used physical force against an individual.	
D. Officers	Force: Officers struck § 87(2)(b) with batons.	

Case Summary

On June 16, 2020, § 87(2)(b) filed this complaint on the CCRB website.

On May 30, 2020, § 87(2)(b) was participating in a protest in Brooklyn. Between approximately 9:40 p.m. and 10:00 p.m., § 87(2)(b) was on a plaza in front of an entrance to the Atlantic Terminal Mall, which is bounded by Flatbush Avenue, Atlantic Avenue and Fort Greene Place. At this time, § 87(2)(b) was pushed from behind by one or more unidentified officers, whom he did not see (**Allegation A: Force – Physical force**, § 87(2)(g)

§ 87(2)(b). As this occurred, § 87(2)(b) observed a group of 4 to 5 unidentified officers, whom he could not describe or identify, surrounding an unidentified male who was face-down on the ground. The officers struck this unidentified male with their hands and batons and possibly other instruments (**Allegation B: Force – Nightstick as club** and **Allegation C: Force – Physical force**, § 87(2)(g) § 87(2)(b) continued to be pushed from behind, and unidentified officers, whom he did not see and could not describe, began to strike him from behind with batons on his shoulders and upper arms (**Allegation D: Force – Nightstick as club**, § 87(2)(g). An officer, whom § 87(2)(b) did not see and could not describe, reached out and struck § 87(2)(b) on his left calf, causing him pain and preventing him from walking normally (within **Allegation D**), § 87(2)(b) limped away and eventually took a train home. § 87(2)(b) was not arrested, and the investigation was unable to identify any arrests associated with this incident.

No Body-Worn Camera (BWC) footage was found by the NYPD Legal Bureau that appears to show this incident or anything that occurred in the immediate vicinity around the date and time of the incident. BWC videos from the evening of the incident, which show events at other locations, are linked as a folder to IA #113 (Board Review 01). No TARU or ARGUS footage was recovered (Though requests for this footage were submitted to the NYPD before the 30-day expiration period, the NYPD failed to provide the footage in a timely manner before it expired). The investigation attempted to obtain video footage from cameras outside nearby stores but were informed that the footage had expired prior to the CCRB receiving this complaint.

Findings and Recommendations

Allegation (A) Force: Officers used physical force against § 87(2)(b)

Allegation (B) Force: Officers struck § 87(2)(b) with batons.

Allegation (C) Force: Officers used physical force against § 87(2)(b)

Allegation (D) Force: Officers struck § 87(2)(b) with batons.

Known Facts and General Descriptions

§ 87(2)(b) could not describe the officers who pushed or struck him, as he was struck from behind. He could not describe the officers who struck the unidentified individual, as they were wearing “riot gear,” including helmets and face shields. § 87(2)(b) did not know the unidentified individual and never saw his face. He could not describe his age or what he wore, and no footage or other documents were located that identified the individual. No arrest reports were found that listed the specific location of the incident. As previously mentioned, there was no footage recovered for this incident.

Body-Worn Camera Footage

No BWC video was found for this incident. The first request was for a search for footage from May

30, 2020, from 9:00 p.m. until 11:59 p.m. (21:00-23:59) for the 78th Precinct and Commands SRG, DCU and CAC. The NYPD Legal Bureau reported that no videos were found fitting these criteria. The second request was for a search for footage from May 30, 2020, from 9:00 p.m. until 11:00 p.m. (21:00-23:00) for Precincts 78, 84 and 88. The NYPD Legal Bureau reported that no videos were found fitting these criteria. The third request was for a search for footage from May 30, 2020, from 9:00 p.m. until 11:00 p.m. (21:00-23:00) for Precincts 60, 61, 62, 63, 66, 67, 68, 69, 70, 71, 72, 76, 78, 100, 101, 102, 103, 105, 106, 107, 113, 120, 121, 122, and 123, and Commands 801, 802, 256, 642, and 219. Initially, the NYPD Legal Bureau again reported that no videos were found fitting these criteria. However, the response to the third request was later updated, with 34 videos found. As noted above, none of these videos show the time and location in question. No footage of the incident involved in this case was found.

NYPD Documents Reviewed

This case was filed approximately two weeks after the incident. TARU footage was requested within days after the case was received but expired before IAB returned a response to the request. Surveillance footage from a nearby business expired before it could be obtained. EVENTS for 911 calls and police radio communications in the vicinity of the incident location around the time of the incident listed general “Detail” assignments rather than specific, identifiable units responding to relevant locations (Board Review 02-04). Detail rosters were obtained from the Patrol Borough and nearby Precincts but in almost all cases were missing either date, tour, location, or some combination thereof (Board Review 05-10). Those that contained this information were for different dates, times, or locations than the incident. No arrest reports were found that listed the specific location of the incident.

Concurrent Investigations

There were no known concurrent investigations being conducted into this specific incident.

Ranking Officers

As previously discussed, detail rosters and footage requests did not aid in identifying officers present at the date, time, and location of the incident. Given the broad area over which officers were acting at the time of the incident, as well as the lack of clarity and specificity in documents, no specific ranking officers could be identified as being present at the date, time, and location of the incident.

Officers Interviewed

No officers could be interviewed, as no officers could be positively identified as being at the specific location of the incident at the time of the incident.

§ 87(2)(g)

[REDACTED]

Squad No.: 2

Investigator: Rachel Murgu Inv. Rachel Murgu 5/5/2021
Signature Print Title & Name Date

Squad Leader: Alexander Opoku-Agyemang IM Alexander Opoku-Agyemang 5/5/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date